

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 State Bar No. 132645
110 West A Street, Suite 1100
4 San Diego, CA 92101
Telephone: (619) 645-2105
5 Facsimile: (619) 645-2061
Attorneys for Complainant

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7 **BEFORE THE**
BOARD OF REGISTERED NURSING
8 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

9
10 In the Matter of the Accusation Against:

Case No. *2011-1002*

11 **PAMELA JEAN LANE-BURBANK**

12 **5821 Hillock Road**
Knoxville, TN 37918

A C C U S A T I O N

13 **Registered Nurse License No. 679645**

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about May 22, 2006, the Board of Registered Nursing issued Registered Nurse
23 License Number 679645 to Pamela Jean Lane-Burbank (Respondent). The Registered Nurse
24 License expired on June 30, 2008, and has not been renewed.

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JURISDICTION AND STATUTORY PROVISIONS

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Section 2811 subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code also grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

.....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

8. Section 2762 of the Code provides that certain conduct relating to controlled substances constitutes unprofessional conduct:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

(d) Be committed or confined by a court of competent jurisdiction for intemperate use of or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section, in which event the court order of commitment or confinement is prima facie evidence of such commitment or confinement.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board, Registrar, or Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Tennessee Board of Nursing)**

3 10. Respondent is subject to disciplinary action under Section 2761, subdivision (a)(4) of
4 the Code because the Tennessee State Board of Nursing ("Tennessee Board") suspended her
5 license to practice nursing in Tennessee. The circumstances of the Tennessee Board's
6 disciplinary action are as follows:

7 11. On or about March 8, 2007, pursuant to a Consent Order entitled, *In the Matter of:*
8 *Pamela Lane-Burbank, Knoxville, Tennessee RN License No. 95421, Respondent*, the Tennessee
9 Board suspended Respondent's Tennessee nursing license until Respondent is evaluated, has
10 signed a contract and is in compliance with the Tennessee Professional Assistance Program.

11 12. The Tennessee Board based its Consent Order on the following facts and admissions:

- 12 a. Respondent's registered nurse license bears a multistate privilege to practice
13 nursing in states which have entered into the Interstate Nurse License Compact.
14 b. While employed at the Sunbelt Home Health Care, Respondent's urine drug
15 screen was positive for Hydrocodone, Oxycodone, and Dilaudid.
16 c. Respondent provided a prescription for Hydrocodone, but could not provide
17 prescriptions for Oxycodone and Dilaudid.
18 d. Respondent admitted to taking her mother's Oxycodone, but denied taking any
19 Dilaudid.

20 13. Under Section 2761, subdivision (a)(4) of the Code, the Tennessee Board's
21 disciplinary action against Respondent for committing the acts set forth in particularity in
22 paragraphs 11 and 12, is grounds for the California Board to take disciplinary action.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 14. Respondent is subject to disciplinary action under Section 2761, subdivision (a) of the
26 Code, on the grounds of unprofessional conduct. The conduct is more particularly described in
27
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1 paragraph10, paragraph 11, paragraph 12, subparagraphs (a) through (c), inclusive, above, and
2 herein incorporated by reference.

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4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Drug-Related Transgressions)**

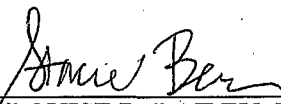
6 15. Respondent is subject to discipline under Section 2762, subdivision (b) of the Code
7 because Respondent used Schedule II controlled substances which impaired her ability to conduct
8 with safety her nursing practice. The conduct is more particularly described in paragraph10,
9 paragraph 11, paragraph 12, subparagraphs (a) through (c), inclusive, above, and herein
10 incorporated by reference.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 679645, issued to Pamela
15 Jean Lane-Burbank;
- 16 2. Ordering Pamela Jean Lane-Burbank to pay the Board of Registered Nursing the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.
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23 DATED: June 23, 2011

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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